

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
KIHARA KIARIE, et al.,

Plaintiffs,

-v.-

DUMBSTRUCK, INC., et. al,

Defendants.
-----XORDER

19 Civ. 827 (ALC) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The fact discovery deadline in this case expired on January 15, 2020. (Docket # 35). The Court resolved certain discovery disputes by permitting limited discovery in its April 27, 2020, Order (Docket # 57), but it also set deadlines for the completion of that discovery that have not been extended. Additionally, the Court invited the parties to raise any remaining disputes by motion — but no such motion was ever filed. On June 5, 2020, the court-ordered deadline for expert discovery expired. (Docket # 37). No party ever asked the Court to further extend this deadline. Thus, as far as the Court is concerned, no more discovery is to take place in this matter.

Notwithstanding the above, plaintiff has suggested to Judge Carter that he should require the parties to “work out a new schedule that contemplates the completion of discovery” and that the schedule should be submitted to the undersigned “for approval.” (Docket # 69). The court interprets this language as an effort by plaintiff to obtain an extension of the deadlines that have already expired. Any such application should have been made to the undersigned, however.

As of now, the Court has no basis for believing that an application made to the undersigned to extend deadlines will be granted. But if such an application is to be made, it must be made to the undersigned and in compliance with paragraph 1.E (and, if applicable, paragraph 2.A) of the Court’s Individual Practices. It also must be filed by July 23, 2020. The Court notes that it had previously ordered that any application to extend fact or expert discovery deadlines was required to be made “as soon as the cause for the extension [became] known to the party making the application,” adding that “[a]ny application not in compliance with this paragraph will be denied.” (Docket # 29 ¶ 8). Thus, the Court still reserves the right to deny even an application filed by July 23, 2020, for untimeliness.

SO ORDERED.

Dated: July 20, 2020
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge